

MAY 19 2011

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,

v.

RICHARD LAMONT LIGHTY,

Defendant.

)
) Case No. 7:04CR00072-01
)

) **FINAL ORDER**
)

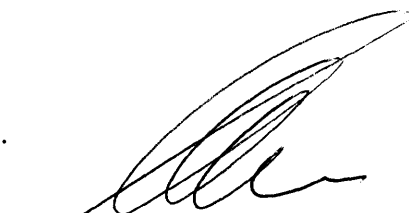
) By: Samuel G. Wilson
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is **ADJUDGED AND ORDERED** that the defendant's "MOTION 60(B)" (ECF No. 641) is **CONSTRUED** and shall be redocketed as a motion to vacate, set aside or correct the sentence and is **DISMISSED** without prejudice as successive and **STRICKEN** from the active docket of the court.

Further, finding that the defendant has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 19th day of May, 2011.



United States District Judge